

Quid Novi

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McGILL UNIVERSITY FACULTY OF LAW
UNIVERSITE MCGILL FACULTE DE DROIT

September 21, 1992
le 21 septembre, 1992

ELECTIONS, ÉLECTIONS, ELECTIONS

By Philippe de Grandpré; Nat. IV
Chief Returning Officer

Our beloved First Years,

As the poetry of the summer is waning, the leaves in the trees starting to turn and the assignments pouring in, you have probably started to feel that you need a voice in this Faculty to express your hopes and aspirations, helplessness and frustrations in all respects.

Yes, election time has come for first years, just like the apples in the trees have ripened and the geese are preparing to migrate South.

Well, let's forget about the birds and the apples for a minute, and get down to business. Two positions are now open to first years: Class President for B.C.L. I and Class President for LL.B I.

They will represent you on the Legislative Council of the Law Students Association and act as liaison officers between your class and the Executive of the L.S.A. The Constitution of the L.S.A. states "The Class Presidents shall: [...] iii) hold a class meeting when necessary; iv) act as liaison between their classes and the Yearbook Committee."

A compulsory meeting of all potential candidates with me (Chief Returning Officer) has been arranged for Wednesday September 23rd at Noon in room 102 of 3674 Peel (up the street). Les mises-en-candidature devront être faites entre mercredi le 23 septembre à midi et le jeudi 24 septembre à 17h00.

To be nominated, each candidate must obtain ten signatures from his or her constituents on forms to be distributed at the September 23rd meeting. Ceux et celles

qui sont éligibles à présenter, signer les mises-en-candidature et voter sont exclusivement les étudiant(e)s de première année Président(e) de classe de droit civil, et les étudiant(e)s de première année en common law, pour ce qui est du (ou de la) Président(e) de classe de common law.

L'élection aura lieu le mardi 29 septembre de 9h00 à 17h00, suite à une campagne qui durera du jeudi 24 septembre à 17h00 au lundi 28 à 23h00. Les résultats seront annoncés le soir même du 29, dès que possible.

Your commitment and involvement is important to all of us. The job of Class President is an ideal opportunity to learn more about the functioning of the L.S.A.

I can be reached through my box in the L.S.A. office in the basement, near Sadie's.

POUTINE AND THE PRIVATE SECTOR

By Andreas Sautter, LLBIII

This summer employment and unemployment were big themes. As for myself, I didn't want to think about my liquidity problem until the last exam in May was written. But in the end I had to face reality: I simply could not afford to go coral reef diving in Australia for 4 months.

But despite the lack of funds, I wanted no part of a law job. I figured: I have the rest of my life to be a lawyer. I wanted

employment with meaning. So what did I do this summer? I capitulated. My shame knows no bounds. I wanted no part of it, I tried to be strong, but the tentacles of temptation reeled me in without mercy. Lucie, you must believe me, I had my heart set on volunteering at the clinic this summer. But, in truth, the hourly wage left me wanting. I could not have afforded breakfast bagels any more (not to mention the cream cheese). My flesh

Cont'd on p.3

IN THIS ISSUE DANS CE NUMÉRO

Announcements ... p. 2

Streams of Unconsciousness ... p. 2

How I Spent My
Summer Vacation ... p. 4

ANNOUNCEMENTS / ANNONCES

McGILL SEXUAL ASSAULT CENTRE - The Centre is looking for female law students to staff its crisis intervention phone line and male and female law students to work in its Outreach programs. Tous les bénévoles doivent prendre un cours d'intervention en cas de crise. Application forms can be obtained from Lisa Lifshitz, BCL IV, or leave a message at 481-7086 for more information.

POLAJ PRIZE 1992-1993 - The Canadian Bar Association in conjunction with the Programme for the Integration of Both Official Languages in the Administration of Justice (POLAJ), announces the creation of prizes intended to promote the use of Canada's official languages among law students. The prizes are designed to encourage research and writing of works of Common Law in French and Civil Law in English. Two prizes of \$800 each will be awarded to the best essays relating respectively to the Common Law in French and the Civil Law in English. All students enrolled in an undergraduate law programme at a Canadian Law Faculty are eligible to submit an essay to the competition. The topic chosen for 1992-1993 is Family Law. Candidates should forward four copies of their essays to the Canadian Bar Association, POLAJ Prizes Committee, 50 O'Connor St., Suite 902, Ottawa, Ontario K1P 6L2 by June 15, 1993. For further information contact Prof. Stephen Toope at 398-6642.

COMPETITIVE MOOT RUN-OFFS - People who have signed up for the competitive moots can pick up the excerpt from a pre-selected factum at S.A.O. as of Monday September 21st. The run-offs will be held on September 24th and 25th from 3 p.m. until 6 p.m., they will consist of 10 minute pleadings. For more information, contact Tanya Goldberg (2 p.m. to 5 p.m., Room 53, tel. 398-6666 ext.6894).

SKIT NITE 1993 - Everyone is encouraged to attend a meeting where the new Skit Nite Exec. will be selected. All positions are available and anyone is eligible to be on the executive. For those in first year, Skit Nite is a variety talent show held each year in March to raise \$ for local charities. Get involved. Wednesday, September 23rd, 12:00 room 203.

SOCIÉTÉ DE DROIT ADMINISTRATIF DU QUÉBEC - La Société de droit administratif du Québec entend favoriser l'excellence dans l'étude et la recherche en droit administratif. Elle organise à cette fin un concours annuel de dissertation juridique. Le concours est ouvert à tous les étudiants régulièrement inscrits dans un programme de baccalauréat en droit d'une université au Québec. Le sujet pour cette année est "État régulateur - État assureur?". Un prix de 1,000\$ ainsi qu'une attestation seront remis à l'auteur de l'essai jugé le meilleur. Ces manuscrits doivent être déposés auprès du secrétaire exécutif de la Société, au 1002 rue Sherbrooke o., 27ième étage, Montréal, Québec H3A 3L6, au plus tard le 2 avril 1993. Ils peuvent être rédigés en français ou en anglais. Pour les renseignements contactez le Professeur Stephen Toope à 398-6642.

L.S.A. SPEAKER - This is a short reminder that the L.S.A. is actively looking for a Speaker to chair this year's meetings. Anyone interested in the position may apply. It is preferable to have, at the very least, basic knowledge of the Robert's Rules of Procedure. Interested persons should leave a note with their name and numbers in the V.P. Administration's box, located in the L.S.A. Office. Candidates will meet with the L.S.A. members during their meeting to be held on Wednesday, September 25th, at which time a decision will be made. N'hésitez pas à me contacter si vous désirez des informations supplémentaires. Catherine Maheu-V.P. Administration.

THE MCGILL/INTERAMICUS HUMAN RIGHTS FORUM - will be inaugurated this year with the talk by Justice Minister Kim Campbell on Wednesday, September 30th, from 12:30 - 2:00 p.m. in the Moot Court Room of the Law School.

The Human Rights Forum - titled as "Conversations on Human Rights" - is being initiated for the first time as a Forum with distinguished scholars, advocates, and decision makers from the human rights and public policy arena. The Forum is being co-sponsored by the McGill Faculty of Law in association with InterAmicus, a McGill-based Human Rights NGO under the chair of Professor Irwin

Cotler.

Other Forums in the series are:

- **Alan Borovoy, General Counsel,**
C.C.L.A.
Wednesday, November 4th
- **Madame Justice Beverley McLachlin,**
Supreme Court of Canada
Wednesday, November 25th
- **Professor Kathleen Mahoney,**
University of Calgary
Wednesday, January 13th
- **The Right Honourable Antonio Lamer,**
Chief Justice of Supreme Court of Canada
Wednesday, February 10th
- **Madame Justice Rosalie Abella**
Ontario Court of Appeal
Wednesday, March 10th

The format for these Human Rights Forums will involve an initial presentation by the speaker for about 20 - 30 minutes, to be followed by a 45 minute discussion or "Conversation" on human rights matters. Indeed, Chief Justice Antonio Lamer has even asked that his talk be titled "A Conversation with the Chief Justice", and most of that Human Rights Forum will probably be exactly that - a conversation with Chief Justice Antonio Lamer.

GRADUATE AWARDS FOR STUDIES OR RESEARCH ABROAD - Seventeen foreign governments offer awards annually to Canadian University graduates for studies or research at the master's or doctoral level. The award include a monthly subsistence allowance, fees, medical and life insurance and round-trip airfare. The application must be post-marked on or before October 15, 1992 for awards to be taken up during the 1993-1994 academic year. For more information contact Programme Officer, International Council for Canadian Studies, 2 Daly Ave., Ottawa, Ontario K1N 6E2, or Professor Stephen Toope at 398-6642.

MANY THANKS TO
JULIE CARTER FOR
CREATING THE WON-
DERFUL POSTERS IN
OUR T.V. ROOM.

By Joshua Fireman; BCL III

There's really no doubt about it. When it comes to deep political thinking in Canada, we are being presented with a smorgasbord of well thought out and innovative ideas. We are about to be blessed with a new constitution and an elected (sort of), (in) effective and equal (depending on who you talk to) Senate. We are on the verge of

being graced with another intelligent, low-key and friendly free-trade debate. And, the Expos are about to become the first Canadian team to win the World Series. So, as part of my contribution to the great Intellectual Battle Royale of 1992, here are a few thoughts...

Cont'd on p.3

STREAMS OF UNCONSCIOUSNESS

Poutine and the Private Sector Cont'd from p.1

was weak. So despite my good intentions, Adam Smith's invisible hand clutched me and threw me into: the private sector. But even so, I tried to remain a man of principle.

I came close to accepting an offer at Burger King, but I had to turn it down when they said I couldn't have free poutine on my lunch break. The nerve. My job options thus reduced, my resistance was down when a law firm called me up. "We heard you turned down Burger King." Yeah, no perks. "We'd like you to work for us." Do I get paid? "Maybe. Times are tough. But you can have poutine at lunch." It was an offer I couldn't refuse.

Everyone knows that to work in a law firm, you have to look the part. Full of ulterior motives, I called my mother. "I'm going to work at a law firm, mom." This had the desired effect. "Oh, but you'll need new suits." I hear you mom. "You have a credit card, don't you dear?" (Spoke too soon). Diner's Club, mom. "You can buy your suits with the card if you're a bit short right now." I'm past my limit. "Pardon me, dear?" I'll ask them to bill it, I repeated. "You'll be earning lots of money, won't

you?" Maybe. "What do you mean 'maybe'?" Times are tough. "Well don't buy a suit that's too flashy. They don't like that, you know." Yes, mom. Say hello to Dad. Bye, mom.

I worked for Pilfer, Voler & Robb in Ottawa. They specialized in theft litigation. We represented exclusively thieves. Mr. Pilfer had been a former thief himself. While in jail he decided to become a lawyer and champion the cause of his abandoned profession. By the end of the summer I knew how to defend bank robbers, cat burglars and embezzlers. I decided to try a little fraud of my own.

I went to a judgment-debtor examination. The debtor owed me one of our clients money. My task was to find out how he would pay his debt. I asked if he was employed. "Yeah. Burger King." Without missing a beat I wondered whether he would pay in monthly instalments. "No problem." Perhaps by cheques, payable to me 'in Trust'? "Sure. But why 'in Trust'?" Because it shows that I trust you not to bounce the cheques. "Wait a minute. If I'm writing cheques to you, you have to trust me anyway, right? There's no guarantee the cheque won't bounce if I write 'in trust' on it." He was smarter than

he looked. I explained the "in trust" part was really to make sure I handed over the money to the creditor. "Why didn't you say that in the first place?" Well, I knew he was from Hull and I didn't want to confuse him, since they don't have trusts in Quebec. "But what about a *patrimoine d'affection*?" This guy was tricky. He knew more than he was letting on. But I knew my stuff: a patrimony by appropriation is not a true trust. "Well what's the difference?" He had obviously not studied law at McGill. But before I could answer, he badgered me: "Do you even have a trust account?" Well no, but my firm does. "So why am I writing a cheque to a trust account that doesn't exist?" I was beginning to sweat. I tried to argue that trusts don't really exist. But he knew he had me. "So you're trying to siphon off a few funds, eh? That's fraud." It turned out the guy was from the Law Society, undercover. I was reported for disciplinary measures. When Pilfer got wind of it, he fired me. "First rule of a theft litigator: never get caught." It didn't matter much, though. They hadn't been paying me. Looking back, I'd say I am ambivalent about my summer. Good experience, lousy pay, interesting work, bad ending. The poutine was good though.

Streams of Unconsciousness Cont'd. from p.2

...the West wants a Triple-E Senate because it is afraid that Pierre Elliot Trudeau will impose a national energy programme on them. Well, if I were P.E.T., I'd be pretty flattered by all the attention I still get out West. **Get a life people!** The man has been out of power for the better part of a decade now, and he's not coming back!

...what exactly are the **Regions**, anyway? The way I figure it, this is a neat little euphemism for underpopulated areas of the country who figure that representation by population is an inherently undemocratic concept.

...does Don Getty seriously expect us to believe that he is leaving politics for family reasons? The only family reason influencing his (unanimously well-received)

decision to (eventually) step down was that he had a big iron Horseman stuck up his [expletive]!

...the National Action Committee on Women gave me this great idea for making the Senate a truly equal body: A new government ministry should tally up a list of officially recognized public interest groups (P.I.G.s). The P.I.G.s would then be allotted seats in the Senate according to their size and influence. Membership in the new Senate would be renewable on a yearly basis, with lower-end P.I.G.s dropping out and making room for up-an-coming P.I.G.s. The beauty of this proposal would be the creation of a true national forum for societal concerns!

...does (dis)organized labour really expect us to believe that Canada can't compete against Mexico in a free trade situation? The argument goes something like this: Although Canada has a highly skilled

workforce, a well-developed economic infrastructure, stable democratic government (and all the financial incentives that go along with this), near zero inflation, blah, blah, blah... Mexico will kick our asses because their workers work for \$5 a day in prehistoric factories that would make Dickens feel at home.

...I would like the whole world to know that prior to the beginning of this year's baseball season, I picked the Expos to win their division. Although as of this date the Expos are 4 games back, I remain convinced that this is their year of destiny. Mark my words - there will be baseball in Montreal this October!

...anyone who I have (un)intentionally offended can address mail to me through the *Quid Novi*. If it's particularly venomous and thoughtless, I promise responses in future columns.

HOW I SPENT MY SUMMER VACATION

By Randy Hahn; LLB II

May

Exams are over and it is time to relax. I ease myself into my lawn chair and begin sipping pink gins. While perusing back copies of Canadian Lawyers magazine I notice in an issue from the Spring of 1991 that the magazine has surveyed recent law graduates inviting them to rate the law schools they attended. I see that McGill has rated a B-. This brings to mind the old Latin maxim that roughly translates as "Those who dish it out should be able to take it". I am, however, disappointed to see that according to Canadian Lawyer only a small percentage of the Faculty at McGill Law School were reported to be "caring and competent". This is, of course, a sweeping generalization based, no doubt, on inaccurate anecdotal evidence offered by some disgruntled former student. I am very concerned that such an accusation can besmirch the fine reputation of the law school and I call on my favorite professor in order to ask advice about what might be done. He quickly tells me that he has no time to talk because he has to begin preparing for a course he is teaching on a subject he knows nothing about. I decide not to bother him further by telling him about Canadian Lawyer's ill-founded article. Clearly he has many weighty matters on his mind.

June

Off I go to upstate New York for a

three day academic conference on "The Woodstock Generation". Many fascinating learned papers are presented by such renowned scholars as Dr. Timothy Leary, Dr. Hunter S. Thompson, and Professor Jerry Garcia. Scanning the program of events I notice there is a symposium entitled "Beware of the Pigs". Thinking this to be a panel discussion on problems involving law enforcement I decide to attend, only to discover some yuppies giving a talk about the risks involved in investing in pork belly futures. The times they are changing.

July

I am summoned to a top-secret meeting of Canada's Privy Council. The Queen is confused and unsettled about Canada's ongoing constitutional difficulties and has decided to convene a meeting of ten Canadian advisors in order to submit their views. I am there on behalf of my old friend Joe Clark who is unable to attend because of a pressing fishing trip. The Queen canvasses the opinions of the distinguished personalities that have assembled. When she asks the advice of Maurice "Rocket" Richard, a rookie Privy Councillor, he mutters something about "not letting them get past the blue line". The Queen believes this to be a reference to Beirut's notorious Green line which separates the Christians from the Muslims. She is aghast that things are so out of hand that partition is being recommended. She telephones Joe Clark and instructs him

to come up with a deal, any deal, pronto. The rest is history.

August

With great excitement I arrive in Halifax for the annual meeting of the Canadian Bar Association. I attend a seminar entitled "How the Legal Profession Sustains Canada's Traditional Elites". Most of the seminar's participants make the point that law schools have traditionally had an underrepresentation of various segments of society and accordingly law school should endeavour to have more representation from such groups. One man, however, suggests that underlying this point of view is the self-serving conceit that lawyers are so terribly important. He argues that perhaps the whole world of lawyers need to be brought down to earth. Lawyers should work for minimum wage, they should be obliged to spend two years in the countryside as "barefoot advocates", Law school admissions should be on a first come, first served basis. Surely, this will ensure that the problem of elitism in the legal profession will soon disappear.

The audience is generally hostile to these views and heckles the man. He becomes upset and rushes from the room. As he runs by me I notice that his nametag reads J.J. Camp. The following day someone by the same name resigns as President of the Canadian Bar Association. Imagine that.

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